

Submitted April 11, 2023

Approved April 12, 2023

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 5-2023
Wednesday, March 22, 2023**

The City of Rockville Planning Commission convened in regular session at City Hall and virtually via WebEx at 7:30 p.m.
Wednesday, March 22, 2023

PRESENT

Andrea Nuñez - Chair

Suzan Pitman

Eric Fulton

John Tyner, II

Sam Pearson

Present: Nicholas Dumais, Senior Assistant City Attorney
Jim Wasilak, Zoning Administrator

Chair Nuñez opened the meeting at 7:30 p.m., noting that the meeting was being conducted in a hybrid format both in-person at City Hall and virtually via WebEx.

I. Recommendation to Mayor and Council

A. Recommendation to the Mayor and Council on Zoning Text Amendment TXT2023-00263, to Allow Accessory Apartments as a Conditional Use; Mayor and Council of Rockville, Applicant

Mr. Wasilak gave a presentation on Text Amendment dealing with Accessory Apartments as conditional uses. Accessory apartments are a second dwelling unit that is either attached or internal to a main single family detached dwelling, and are currently allowed via Special Exception. Mr. Wasilak stated that staff were seeking discussion and feedback for a recommendation to Mayor and Council.

Marissa Valery of the Twinbrook neighborhood gave public testimony representing the Twinbrook Community Association, and spoke of support of this item.

Brian Shipley gave public testimony representing the West End Citizens Association. He mentioned that he had emailed the Planning Commission earlier asking to delay 30 days in order to allow for time to better discuss the issue within their community.

Commissioner Pitman asked if the existing rental rules and permitting system would be applicable here. Mr. Wasilak stated that there could be changes to the ordinance as other types of rental units come in.

Commissioner Fulton asked more about the statistics for accessory apartments. Mr. Wasilak stated that since the ordinance was enacted in 1990 there have been 30 applications, with only one being denied and three withdrawn, with the vast majority being approved.

Commissioner Pitman moved to recommend to Mayor and Council that Zoning Text Amendment TXT2023-00263, to allow accessory apartments as a conditional use, be approved, including the recommendations in the staff report, as well as recommending the investigation of the possibility of a 12-month fee waiver. Commissioner Fulton seconded the motion, which then was passed 5-0.

B. Recommendation to Mayor and Council on TXT2023-00261, an Interim Zoning Ordinance Update to Allow for Floating Zones that Implement the Rockville 2040 Comprehensive Plan Recommendations, and Proposed Changes to Sec. 25.06.05, Administrative Adjustments; Mayor and Council of Rockville, Applicant

Mr. Wasilak gave a presentation on Floating Zones and additional Administrative Adjustments to be implemented on an interim basis.

Commissioner Tyner talked about the two recent rooftop waivers approved by the Planning Commission. With technological advances the physical scope and strain has not been too extensive. Commissioners Pitman and Fulton spoke of the importance of taking into consideration different pedestrian needs.

Commissioner Fulton moved to recommend to Mayor and Council that Text Amendment TXT2023-00261, to allow for Floating Zones that implement the Rockville 2040 Comprehensive Plan recommendations, and the proposed changes to Sec. 25.06.05, Administrative Adjustments; Mayor and Council of Rockville, Applicant. Commissioner Tyner seconded the motion. Motion passed 5-0.

II. Briefing

Briefing on Zoning Text Amendment TXT2023-00262, Proposed Parkland Dedication Requirements, and Proposed City Code Amendment to Implement a Parks Impact Fee

Mr. Wasilak gave a briefing on Zoning Text Amendment TXT2023-00262, discussing public parkland dedication requirements and impact fees related to parks.

Commissioner Fulton asked about the technical difference between a public use space and a park. Mr. Wasilak stated that a public use space is an open space that is publicly accessible but not necessarily publicly owned, intended to provide public amenities on developed areas ranging from 5-15% of the site depending on the zone. He noted that there is discussion taking place on how much public use space is appropriate if the city does have public parkland dedication which would dedicate land to the city for use as a public park.

Chair Nunez asked if the impact fees would be utilized for only capital costs and not ongoing maintenance costs. Mr. Dumais stated that the fee was intended to be used for capacity adding improvements for instance additional land, additional facilities, improvements to existing facilities to accommodate for population growth but was drafted with a degree of flexibility for best usage.

III. COMMISSION ITEMS

- A. **Staff Liaison Report** – Mr. Wasilak stated at the next meeting on April 12th he anticipated a plat for Chase Bank and a site plan for 22 West Jefferson Street and potentially the briefing on the text amendment on Accessory Dwelling Units.
- B. **Old Business** – None
- C. **New Business** – Mr. Dumais stated that the updated Rules of Procedure will likely be brought to the next meeting.
- D. **Minutes Approval** – Chair Nunez asked if there were any changes needed to the minutes of the Commission’s February 15, 2023 meeting. Commissioner Fulton made the motion to approve the February 15, 2023 minutes as drafted. The motion was seconded by Commissioner Pearson. The motion was approved unanimously 5-0.
- E. **FYI/Correspondence** – None.

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Pitman moved, seconded by Commissioner Fulton, that the meeting be adjourned at 9:24 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison